

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 04 2004

In re Plant Patent Application of: BRIAN KABBES

Serial number: 10/624,102

Group Art Unit: 1661

Filed: JULY 21, 2003

Examiner: J. HWU

Titled: AGASTACHE PLANT NAMED 'AFTER EIGHT'

**SUBSTITUTE SPECIFICATION AND  
REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.125(a)**Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Commissioner:

In response to the Office Action mailed June 4, 2004, the Examiner is respectfully requested to reconsider the outstanding rejections in the light of the enclosed substitute specification, claim and abstract.

The disclosure was objected to under 37 U.S.C. § 163(a) and under 35 U.S.C. 112, first paragraph, because the specification presents less than a full, clear and complete botanical description of the claimed plant and the characteristics which distinguish the claimed plant from related, known varieties and its antecedents.

In response to the Objection to the Disclosure, the following brief remarks, substitute specification, claim and abstract have been submitted with respect to the Examiner's comments and requests.

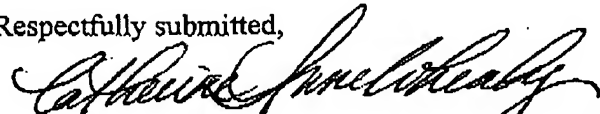
- (G.) Applicant verifies that the coloration of the immature and mature flowers is correct as stated.
- (I.) Applicant verifies that the coloration of the reproductive structures is correct as stated.

Favorable reconsideration of the application is requested in view of the substitute specification, claim and abstract. With these additions and changes, the application is believed to be in condition for allowance, and such action is respectfully requested.

In the event any outstanding deficiencies remain, the Examiner is requested to contact the undersigned agent of record so that allowance of the application can be expedited.

Date: September 4, 2004

Respectfully submitted,

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